

**BEFORE THE
PHYSICIAN ASSISTANT BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)	
)	
JACQUELINE SURRENCY, P.A.)	Case No. 1E-2013-233094
)	
Physician's and Surgeon's)	
Certificate No. PA 20403)	
)	
Respondent.)	
_____)	

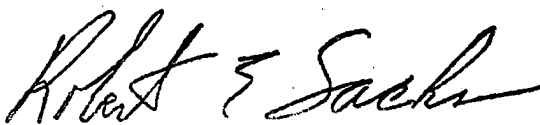
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Physician Assistant Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on September 13, 2017.

IT IS SO ORDERED August 14, 2017.

PHYSICIAN ASSISTANT BOARD

By: 
Robert E. Sachs, P.A., Chair

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CHRISTINE R. FRIAR
Deputy Attorney General
4 State Bar No. 228421
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-6404
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 JACQUELINE SURRENCY, P.A.

14 9145 E. Rosecrans Ave.
15 Bellflower, CA 90706

16 Physician Assistant License
17 No. 20403,

18 Respondent.

Case No. 1E-2013-233094

OAH No. 2016070643

19 **STIPULATED SETTLEMENT AND**
20 **DISCIPLINARY ORDER**

21 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Maureen L. Forsyth (Complainant) is the Executive Officer of the Physician Assistant
25 Board (Board). She brought this action solely in her official capacity and is represented in this
26 matter by Xavier Becerra, Attorney General of the State of California, by Christine R. Friar,
27 Deputy Attorney General.

28 2. Respondent Jacqueline Surrency, P.A. (Respondent) is represented in this proceeding
by attorney Nick Jurkowitz, whose address is: 1990 South Bundy Drive, Suite 777, Los Angeles,
CA 90025.

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3. On July 3, 2009, the Board issued Physician Assistant License No. PA 20403 to Respondent. The Physician Assistant License was in full force and effect at all times relevant to the charges brought in Accusation No. 1E-2013-233094, and will expire on February 28, 2019, unless renewed.

JURISDICTION

4. Accusation No. 1E-2013-233094 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 10, 2016. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 1E-2013-233094 is attached as Exhibit A and is incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1E-2013-233094. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in Accusation No. 1E-2013-233094 and that she has thereby subjected her license to disciplinary action.

10. Respondent agrees that her Physician Assistant License is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Physician Assistant Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

12. This stipulation shall be subject to approval by the Physician Assistant Board. Respondent understands and agrees that counsel for Complainant and the staff of the Physician Assistant Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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1 Respondent shall submit a certification of successful completion to the Board or its
2 designee within 15 days after completing the course.

3 Respondent's failure to enroll, participate in, or successfully complete the education course
4 requirement within the designated time period, unless the Board or its designee agrees in writing
5 to an extension of that time, shall constitute general unprofessional conduct and shall serve as the
6 grounds for further disciplinary action.

7 C. **PRESCRIBING PRACTICES COURSE.** Within 60 calendar days of the
8 effective date of this Decision, Respondent shall enroll in a course in prescribing practices
9 equivalent to the Prescribing Practices Course at the Physician Assessment and Clinical
10 Education Program, University of California, San Diego School of Medicine (program), approved
11 in advance by the Board or its designee. Respondent shall provide the program with any
12 information and documents that the program may deem pertinent. Respondent shall participate in
13 and successfully complete the classroom component of the course not later than six (6) months
14 after respondent's initial enrollment. Respondent shall successfully complete any other
15 component of the course within one (1) year of enrollment. The prescribing practices course shall
16 be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

17 Respondent shall pay the cost of the course. The program shall determine whether
18 respondent successfully completes the course.

19 Respondent shall submit a certification of successful completion to the Board or its
20 designee not later than 15 calendar days after successfully completing the course, or not later than
21 15 calendar days after the effective date of the decision, whichever is later.

22 Respondent's failure to enroll, participate in, or successfully complete the prescribing
23 practices course within the designated time period, unless the Board or its designee agrees in
24 writing to an extension of that time, shall constitute general unprofessional conduct and shall
25 serve as the grounds for further disciplinary action.

26 D. **ETHICS COURSE** Within 60 days of the effective date of this decision,
27 respondent shall submit to the Board or its designee for its prior approval a course in ethics. The
28 course shall be limited to classroom, conference, or seminar settings. Respondent shall

1 successfully complete the course within the first year of probation.

2 Respondent shall pay the cost of the course.

3 Respondent shall submit a certification of successful completion to the Board or its
4 designee within 15 days after completing the course

5 E. **COST RECOVERY.** Respondent is hereby ordered and agrees to reimburse the
6 Physician Assistant Board the amount of \$9,941.50 at the rate of no less than \$500.00 per month
7 commencing on the effective date of this Decision for its investigative and enforcement costs.
8 Failure to reimburse the Board's costs for its investigation shall constitute a violation of this
9 Order, unprofessional conduct, and shall serve as the grounds for further disciplinary action;
10 unless the Board agrees in writing to a modification of the payment plan because of financial
11 hardship. The filing of bankruptcy by Respondent shall not relieve Respondent of his/her
12 responsibility to reimburse the Board for its investigative costs.

13 **ACCEPTANCE**

14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
15 discussed it with my attorney, Nick Jurkowitz. I understand the stipulation and the effect it will
16 have on my Physician Assistant License. I enter into this Stipulated Settlement and Disciplinary
17 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
18 of the Physician Assistant Board.

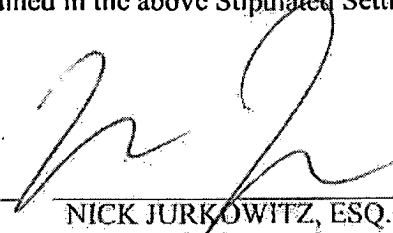
19
20 DATED: 3/28/17



JACQUELINE SURRENCY
Respondent

22 I have read and fully discussed with Respondent Jacqueline Surrency the terms and
23 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
24 I approve its form and content.

25
26 DATED: 3/28/2017



NICK JURKOWITZ, ESQ.
Attorney for Respondent

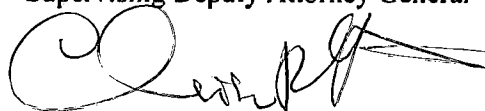
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physician Assistant Board.

Dated: *March 28, 2017*

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General



CHRISTINE R. FRIAR
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1E-2013-233094

1 KAMALA D. HARRIS
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 CHRISTINE R. FRIAR
Deputy Attorney General
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California Department of Justice
5 300 So. Spring Street, Suite 1702
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6 Telephone: (213) 897-6404
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 10 20 16
BY R. Voong ANALYST

8
9 **BEFORE THE**
PHYSICIAN ASSISTANT BOARD
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 1E-2013-233094

12 **JACQUELINE SURRENCY, P.A.**
13 **9145 E. Rosecrans Ave.**
Bellflower, CA 90706

A C C U S A T I O N

14 **Physician Assistant License**
15 **No. 20403,**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Glenn L. Mitchell, Jr. (Complainant) brings this Accusation solely in his official
21 capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer
22 Affairs (Board).

23 2. On or about July 3, 2009, the Physician Assistant Board issued Physician Assistant
24 License Number 20403 to Jacqueline Surrency, P.A. (Respondent). That Physician Assistant
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on February 28, 2017, unless renewed.

27 ///

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3501, subdivision (a)(1), of the Code states:

“(a) As used in this chapter: (1) ‘Board’ means the Physician Assistant Board.”

5. Section 3504.1 of the Code states, in pertinent part:

“Protection of the public shall be the highest priority for the Physician Assistant Board in exercising its licensing, regulatory, and disciplinary functions...”

6. Section 3527, subdivision (a), of the Code states:

“(a) The board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician assistant license after a hearing as required in Section 3528 for unprofessional conduct which includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the board or the Medical Board of California.”

7. Section 2234 of the Code states, in pertinent part:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“....

“(b) Gross negligence.

“(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

“(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

“(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a

reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"...."

8. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct."

9. California Code of Regulations, title 16, section 1399.521 states, in pertinent part:

"In addition to the grounds set forth in section 3527, subd. (a), of the code the board may deny, issue subject to terms and conditions, suspend, revoke or place on probation a physician assistant for the following causes:

"(a) Any violation of the State Medical Practice Act which would constitute unprofessional conduct for a physician and surgeon."

10. California Code of Regulations section 1399.541 states as follows:

"Because physician assistant practice is directed by a supervising physician, and a physician assistant acts as an agent for that physician, the orders given and tasks performed by a physician assistant shall be considered the same as if they had been given and performed by the supervising physician. Unless otherwise specified in these regulations or in the delegation or protocols, these orders may be initiated without the prior patient specific order of the supervising physician. In any setting, including for example, any licensed health facility, out-patient settings, patients' residences, and hospices, as applicable, a physician assistant may, pursuant to a delegation and protocols where present:

"(a) Take a patient history; perform a physical examination and make an assessment and diagnosis therefrom; initiate, review and revise treatment and therapy plans including plans for those services described in Section 1399.541(b) through Section 1399.541(i) inclusive; and record and present pertinent data in a manner meaningful to the physician.

"(b) Order or transmit an order for x-ray, other studies, therapeutic diets, physical therapy, occupational therapy, respiratory therapy, and nursing services.

1 “(c) Order, transmit an order for, perform, or assist in the performance of laboratory
2 procedures, screening procedures and therapeutic procedures.

3 “(d) Recognize and evaluate situations which call for immediate attention of a physician
4 and institute, when necessary, treatment procedures essential for the life of the patient.

5 “(e) Instruct and counsel patients regarding matters pertaining to their physical and mental
6 health. Counseling may include topics such as medications, diets, social habits, family planning,
7 normal growth and development, aging, and understanding of and long-term management of their
8 diseases.

9 “(f) Initiate arrangements for admissions, complete forms and charts pertinent to the
10 patient’s medical record, and provide services to patients requiring continuing care, including
11 patients at home.

12 “(g) Initiate and facilitate the referral of patients to the appropriate health facilities,
13 agencies, and resources of the community.

14 “(h) Administer or provide medication to a patient, or issue or transmit drug orders orally
15 or in writing in accordance with the provisions of subdivisions (a)-(f), inclusive, of Section
16 3502.1 of the Code.

17 “(i) (1) Perform surgical procedures without the personal presence of the supervising
18 physician which are customarily performed under local anesthesia. Prior to delegating any such
19 surgical procedures, the supervising physician shall review documentation which indicates that
20 the physician assistant is trained to perform the surgical procedures. All other surgical procedures
21 requiring other forms of anesthesia may be performed by a physician assistant only in the
22 personal presence of an approved supervising physician.

23 “(2) A physician assistant may also act as first or second assistant in surgery under the
24 supervision of an approved supervising physician. The physician assistant may so act without the
25 personal presence of the supervising physician if the supervising physician is immediately
26 available to the physician assistant. “Immediately available” means the physician is physically
27 accessible and able to return to the patient, without any delay, upon the request of the physician
28 assistant to address any situation requiring the supervising physician’s services.”

COST RECOVERY

11. Section 125.3 of the Code states:

“(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

“(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

“(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

“(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge where the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

“(e) Where an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licentiate to pay costs.

“(f) In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

“(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the

1 license of any licensee who has failed to pay all of the costs ordered under this section. (2)
2 Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate
3 for a maximum of one year the license of any licensee who demonstrates financial hardship and
4 who enters into a formal agreement with the board to reimburse the board within that one-year
5 period for the unpaid costs.

6 “(h) All costs recovered under this section shall be considered a reimbursement for costs
7 incurred and shall be deposited in the fund of the board recovering the costs to be available upon
8 appropriation by the Legislature.

9 “(i) Nothing in this section shall preclude a board from including the recovery of the costs
10 of investigation and enforcement of a case in any stipulated settlement.

11 “(j) This section does not apply to any board if a specific statutory provision in that board's
12 licensing act provides for recovery of costs in an administrative disciplinary proceeding.”

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Gross Negligence)**

15 12. Respondent Jacqueline Surrency, P.A. is subject to disciplinary action under Code
16 section 2234, subdivision (b), and California Code of Regulations, title 16, section 1399.521,
17 subdivision (a), in that she committed gross negligence in her care and treatment of Patients D.E.,
18 E.P., E.A. and M.P.¹ The circumstances are as follows:

19 13. Between 2011 and 2014 and, thus, at all times relevant to the allegations contained
20 herein, Respondent was employed as a practicing Physician Assistant at Zacoalco Medical Group,
21 Inc. (Zacoalco) located at 1414 E. Florence Avenue, Los Angeles, California 90001.

22 14. Zacoalco provides family medicine services to patients ranging from newborns to
23 geriatrics.

24 15. The standard of care dictates that an appropriate prior examination (including, for
25 example, sufficient components of vital signs, history of the presenting acute and chronic
26 problems, past medical history, physical examination, and testing) is necessary when treating a

27 _____
28 ¹ Initials are used to protect patient privacy.

1 patient and creating a treatment plan. The standard of care requires that an examination
2 appropriate for the presenting complaint, or chronic diagnosis, be conducted.

3 16. The standard of care also dictates that the patient's history and examination must be
4 documented in the patient's medical record. The documentation in a patient's medical record
5 must reflect the patient's presenting problems or complaints, including sufficient components of
6 history, review of symptoms and the physical examination. Further, the documentation must be
7 sufficient to determine the diagnosis, or most probable diagnosis, and whether the condition is
8 stable or unstable, such that guidance is given to the needed examination and any additional
9 testing, if necessary. The history and documentation thereof must also be sufficient to justify any
10 medications prescribed.

11 17. The standard of care further dictates that a patient's medical chart must be legible for
12 review by trained medical professionals. There are many purposes of the medical record,
13 including to provide clinical information regarding what was stated and done at the visit for the
14 treating provider as a reminder, for other providers who may care for the patient in the future, for
15 quality reviews, and for billing purposes, among others. This information must be legible, not
16 only to the provider, but also to other reviewers.

17 **Patient D.E.**

18 18. Patient D.E. was born on or about April 6, 2012.

19 19. Between October 2012 and April 2014, Patient D.E. presented at Zacoalco numerous
20 times, where he was treated by Respondent.

21 20. During Respondent's course of treatment of D.E.:

- 22 a. Respondent failed to adequately document D.E.'s past medical history to
23 justify the medications prescribed;
- 24 b. Respondent failed to sufficiently examine D.E. such that the medications and
25 treatments prescribed were adequately justified;
- 26 c. Respondent prescribed medications with no documented justification or
27 explanation;
- 28 d. Respondent listed diagnoses without sufficient supporting information; and

1 e. Injections were given at multiple visits without adequate supporting
2 justification or documentation.

3 21. Respondent's failure to adequately evaluate, manage and document D.E.'s care on
4 multiple dates constitutes an extreme departure from the standard of care.

5 **Patient E.P.**

6 22. Between June 23, 2011 and December 18, 2013, Patient E.P. presented at Zacoalco,
7 where she was treated by Respondent on at least eleven different occasions. E.P.'s chief
8 complaint was pelvic pain.

9 23. During Respondent's course of treatment of E.P.:

10 a. Respondent failed to adequately document E.P.'s past medical history to justify
11 the medications prescribed;

12 b. Respondent failed to sufficiently examine E.P. such that the medications and
13 treatments prescribed were adequately justified;

14 c. Respondent prescribed medications with no documented justification or
15 explanation;

16 d. Respondent listed diagnoses without sufficient supporting information;

17 e. Injections were given at multiple visits without adequate supporting
18 justification or documentation; and

19 f. Respondent failed to either order or perform a pelvic exam on Patient E.P.,
20 despite E.P.'s complaint of pelvic pain.

21 24. Respondent's failure to adequately evaluate, manage and document E.P.'s care
22 on multiple dates constitutes an extreme departure from the standard of care.

23 **Patient E.A.**

24 25. Between May 28, 2011 and November 21, 2013, Patient E.A. presented at Zacoalco,
25 where he was treated by Respondent on at least eight different occasions. E.A. sought treatment
26 and medication management for hypertension and elevated glucose levels, among other
27 conditions.

28 26. During Respondent's course of treatment of E.A.:

1 a. Respondent failed to adequately document E.A.'s past medical history to
2 justify the medications prescribed;

3 b. Respondent failed to sufficiently examine E.A. such that the medications and
4 treatments prescribed were adequately justified;

5 c. Respondent prescribed medications with no documented justification or
6 explanation; and

7 d. Respondent listed diagnoses without sufficient supporting information.

8 27. Respondent's failure to adequately evaluate, manage and document E.A.'s care on
9 multiple dates constitutes an extreme departure from the standard of care.

10 **Patient M.P.**

11 28. Between May 3, 2011 and November 27, 2013, Patient M.P. presented at Zacoalco,
12 where she was treated by Respondent on at least nineteen different occasions. M.P.'s complaints
13 included allergies, sinusitis, breast and lower back pain, and eczema.

14 29. During Respondent's course of treatment of M.P.:

15 a. Respondent failed to adequately document M.P.'s past medical history to
16 justify the medications prescribed;

17 b. Respondent failed to sufficiently examine M.P. such that the medications and
18 treatments prescribed were adequately justified;

19 c. Respondent prescribed medications with no documented justification or
20 explanation;

21 d. Respondent listed diagnoses without sufficient supporting information;

22 e. Injections were given without adequate supporting justification or
23 documentation; and

24 f. Respondent failed to make legible notes in M.P.'s medical record, including but
25 not limited to those pertaining to the physical examination, assessment and treatment plan.

26 30. Respondent's failure to adequately evaluate, manage and document M.P.'s care on
27 multiple dates constitutes an extreme departure from the standard of care.

28 ///

31. Respondent's acts and/or omission as set forth in paragraphs 13 through 30, inclusive above, whether proven individually, jointly, or in any combination therefore, constitute gross negligence pursuant to section 2234, subdivision (b), of the Code. As such, cause for discipline exists.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

32. Respondent Jacqueline Surrency, P.A. is subject to disciplinary action under Code section 2234, subdivision (c), and California Code of Regulations, title 16, section 1399.521, subdivision (a), in that she committed repeated acts of negligence in her care and treatment of Patients D.E., E.P., E.A., M.P., H.A., and A.H. The circumstances are as follows:

33. Paragraphs 13 through 30 are incorporated by reference and re-alleged as if fully set forth herein.

Patient H.A.

34. On or about May 31, 2011, Patient H.A. presented at Zacoalco, where she was treated by Respondent. H.A.'s chief complaints were anxiety, headache, dizziness, nausea and muscle spasm. Patient H.A.'s treatment included an injection of Toradol.

35. On or about November 17, 2012, Patient H.A. presented at Zacoalco, where she was treated by Respondent and another Physician Assistant. Patient H.A. complained of inflammation and pelvic pain, headache and dizziness. Her treatment included an injection of Cipro, an antibiotic.

36. On or about December 11, 2013, Patient H.A. presented at Zacoalco again, where she was treated by Respondent. According to Patient H.A.'s medical record, the purpose of the visit was to obtain lab results.

37. On or about February 11, 2014, Patient H.A. again presented at Zacoalco, where she was treated by Respondent. Patient H.A.'s chief complaint was right shoulder and elbow pain.

38. During Respondent's course of treatment of H.A.:

a. Respondent failed to adequately document H.A.'s past medical history, the history of the particular illness at-issue, Respondent's examination of H.A. and the justification

1 for the medications prescribed, including the injections given at the May 31, 2011 and November
2 17, 2012 visits. These failures constitute simple departures from the standard of care.

3 b. Respondent failed to sufficiently examine H.A. such that the medications and
4 treatments prescribed were adequately justified. This failure constitutes a simple departure from
5 the standard of care.

6 **Patient A.H.**

7 39. On or about October 25, 2012, Patient A.H. presented at Zacoalco, where she was
8 treated by Respondent and another Physician Assistant.

9 40. According to Patient A.H.'s medical records, the purpose of her October 25, 2012
10 visit was to refill medication.

11 41. Patient A.H. again presented at Zacoalco on or about December 27, 2012 and was
12 again treated by Respondent and another Physician Assistant.

13 42. According to Patient A.H.'s medical records, the purpose of her December 27, 2012
14 visit was to obtain lab results. The lab results showed that A.H. had an anemia.

15 43. During Respondent's course of treatment of A.H.:

16 a. Respondent failed to adequately document A.H.'s past medical history and
17 sufficiently examine A.H. to justify the medications and treatments that were prescribed. These
18 failures constitute a simple departure from the standard of care.

19 b. Respondent failed to obtain an adequate history regarding A.H.'s anemia,
20 perform an appropriate exam (including a rectal exam) and to order an appropriate anemia
21 evaluation. These failures constitute a simple departure from the standard of care.

22 44. Respondent's acts and/or omissions as set forth in paragraphs 13 through 30 and 34
23 through 43, inclusive above, whether proven individually, jointly, or in any combination thereof,
24 constitute repeated negligent acts in violation of section 2234, subdivision (c), of the Code. As
25 such, cause for discipline exists.

26 ///

27 ///

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Inadequate Record Keeping)**

3 45. Respondent Jacqueline Surrency, P.A. is subject to disciplinary action under Code
4 section 2266 and California Code of Regulations, title 16, section 1399.521, subdivision (a), in
5 that she failed to maintain adequate records concerning her care and treatment of Patients D.E.,
6 E.P., E.A., M.P., H.A., and A.H. The circumstances are as follows:

7 46. Paragraphs 13 through 30 and 34 through 43 are incorporated by reference and re-
8 alleged as if fully set forth herein.

9 47. Respondent's acts and/or omissions as set forth in paragraphs 13 through 30 and 34
10 through 43, inclusive above, whether proven individually, jointly, or in any combination thereof,
11 constitute inadequate record keeping in violation of section 2266 of the Code and cause for
12 discipline exists.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Physician Assistant Board issue a decision:

- 16 1. Revoking or suspending Physician Assistant License Number 20403, issued to
17 Jacqueline Surrency, P.A.;
- 18 2. Ordering Jacqueline Surrency, P.A. to pay the Board the reasonable costs of the
19 investigation and enforcement of this case;
- 20 3. Ordering Jacqueline Surrency, P.A., if placed on probation, to pay the Board the costs
21 of probation monitoring; and
- 22 4. Taking such other and further action as deemed necessary and proper.

23
24 DATED: May 10, 2016


25 GLENN L. MITCHELL, JR.
26 Executive Officer
27 Physician Assistant Board
28 Department of Consumer Affairs
State of California
Complainant